

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA ex rel.  
MATTHEW BURKE and DAVID CURTIN,

Plaintiffs,

v.

Civil Action No: 16-cv-345(W)

ROBERTO MANGI f/k/a ROBERTO  
MANGIARANO,

MARINA AFRA a/k/a MARINA MANNINO  
a/k/a MARINA MANGIARINO, individually  
and in her capacity as partner/member/  
shareholder of FUNDING MERCHANT  
SOURCE, NY, INC., FUNDING MERCHANT  
SOURCE, LLC, FMS CAPITAL, LLC JET  
STREAM CAPITAL, GOTHAM CAPITAL, INC.,  
ELEVATION CAPITAL, LLC, and MERCY  
FALLS, LLC,

LAWRENCE ("LARRY") SCHIAVI, individually  
and in his capacity as owner/partner/manager/  
shareholder of BOOST BUSINESS FUNDING,  
LLC, FUNDING MERCHANTSOURCE, LLC,  
GOTHAM CAPITAL, INC., and ELEVATION  
CAPITAL, LLC,

NEIL WALSH, individually and in his capacity  
as partner/managing member/shareholder of  
BOOST BUSINESS FUNDING, LLC,  
FUNDING MERCHANT SOURCE, LLC, and  
ELEVATION CAPITAL, LLC

LUIS DANIEL MENDEZ, individually and in his  
capacity as partner/member of BOOST  
BUSINESS FUNDING, LLC, FUNDING  
MERCHANT SOURCE, LLC, GOTHAM  
CAPITAL, INC., and ELEVATION CAPITAL,  
LLC

JENNIFER RETAS, individually and in her  
capacity as partner/shareholder of FUNDING

MERCHANT SOURCE NY, INC., )  
 )  
 MARIA BENTLEY, individually and in her )  
 capacity as a partner/member of BOOST )  
 BOOST BUSINESS FUNDING, LLC, )  
 )  
 SOHRAB STEVEN AFRA a/k/a STEVEN )  
 AFRA, individually and in his capacity as )  
 partner/member of GOTHAM CAPITAL, INC, )  
 FMS CAPITAL LLC, and MERCY FALLS, LLC, )  
 )  
 BOOST BUSINESS FUNDING, LLC, )  
 )  
 FUNDING MERCHANT SOURCE NY, INC., )  
 )  
 FUNDING MERCHANT SOURCE, LLC, )  
 )  
 FMS CAPITAL, LLC, )  
 )  
 JET STREAM CAPITAL, )  
 )  
 GOTHAM CAPITAL, LLC, )  
 )  
 MERCY FALLS, LLC, )  
 )  
 ELEVATION CAPITAL, LLC, )  
 )  
 JOHN DOE COMPANIES 1-10, )  
 Defendants. )  
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**NOTICE OF VOLUNTARY DISMISSAL**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the Realtors/Plaintiffs David Curtin and Matthew Burke, by and through their counsel, hereby gives notice that the above captioned action is voluntarily dismissed, without prejudice against Defendants. The requested Voluntary Dismissal is proper pursuant to F.R.C.P.41(a)(1)(A)(i) because Realtors/Plaintiffs' Notice of Voluntary Dismissal is sought before the opposing party has served either an Answer or a Motion for Summary Judgment.

Realtors/Plaintiffs understand that the United States consents to this dismissal and will separately submit a notice providing their written consent as required under 31 U.S.C. § 3730(b)(1).

DATED: April 17, 2019  
Buffalo, NY 14202

FLYNN|WIRKUS|YOUNG, P.C.

  
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Scott R. Orndoff, Esq.

[sorndoff@flynnwirkus.com](mailto:sorndoff@flynnwirkus.com)

Attorney for Realtors/Plaintiffs

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Quincy, MA 02169

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617-773-5510 - Facsimile

**CERTIFICATE OF SERVICE**

The undersigned, Scott R. Orndoff, hereby certifies that the foregoing **Notice of Voluntary Dismissal** was served via first-class mail on the following agencies pursuant to FRCP Rule 4(i)(1)(A)(i), this 17<sup>th</sup> day of April, 2019.

Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, DC 20530-0001

Kathleen Lynch, Esquire  
Assistant United States Attorney  
Western District of New York  
138 Delaware Avenue  
Buffalo, NY 14202

  
\_\_\_\_\_  
Scott R. Orndoff